



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Peter T. McCarthy)	Group Art Unit: 3617
)	
Appl. No.	:	10/760,514)	
)	
Filed	:	January 20, 2004)	
)	
For	:	DUAL ADJUSTABLE STRAP)	
		DESIGNS FOR SWIM FINS)	
)	
Examiner	:	Stephen P. Avila)	
)	

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

United States Patent and Trademark Office
P.O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

In response to the Examiner's statement of reasons for allowance, which statement was made in the Notice of Allowability mailed on October 5, 2004, Applicant makes the following comments:

Applicant respectfully objects to the Examiner's statement to the extent that there is any implication that the patentability of the claims rests on the recitation of a single feature or act (or on the recitation of fewer features or acts than those that comprise the combinations recited in the claims). Applicant emphasizes that it is the overall combinations of features or acts recited in the claims that makes the claims patentable.

Applicant respectfully objects to the Examiner's statement to the extent that he has paraphrased independent Claims 1 and 12 when characterizing the allowable subject matter. Although Claims 1 and 12 may cover the subject matter recited by the Examiner in his reasons for allowance, Applicant emphasizes that the scope of Claims 1 and 12 are

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determined by their terms and not the Examiner's characterization thereof. As allowed,
Claim 1 recites:

1. An improved strap assembly for a swim fin, comprising:
 - (a) an adjustable heel strap having two distal ends arranged to be secured to two lateral sides of a swim fin foot pocket, said adjustable heel strap having a predetermined heel strap tension between said two lateral sides, at least one of said two distal ends having an adjustable heel strap buckle arranged to adjust said predetermined heel strap tension;
 - (b) an instep strap secured to said adjustable heel strap with an instep strap connection located between said distal ends, said instep strap secured to said heel strap at an instep strap base, said instep strap having a free end portion spaced from said instep strap base and said adjustable heel strap, said free end portion being secured to an adjustable instep buckle, said adjustable instep strap being capable of securing to the ankle of a swimmer with a loop having a predetermined instep strap tension between said instep strap base and said adjustable instep buckle, said instep buckle being arranged to permit said predetermined instep strap tension to be significantly adjustable, said instep strap connection being sufficiently spaced from said adjustable heel strap buckle to permit said adjustable heel strap buckle to efficiently adjust a significant amount of said predetermined heel strap tension.

If the Examiner has any questions, the Examiner is respectfully requested to telephone the undersigned Attorney.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Dec. 30, 2004

By: Mark Kertz

Mark J. Kertz
Registration No. 43,711
Attorney of Record
2040 Main St., Fourteenth Floor
Irvine, CA 92614
(949) 760-0404

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PATENT

Case Docket No. NATURES.027A

Date: December 30, 2004

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DESIGNS FOR SWIM FINS
Group Art Unit : 3617
Class/Sub-Class : 441-064000
Examiner : Avila, Stephen P

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

December 30, 2004

(Date)

Mark J. Kertz

Mark J. Kertz, Reg. No. 43,711

TRANSMITTAL LETTER

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing is the Issue Fee for the above-identified application:

- (X) Form PTOL-85.
- (X) A check in the amount of \$1,030 to cover the issue fee, publication fee, and advanced order of copies is enclosed.
- (X) Comments on Statement of Reasons for Allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

- (X) Return prepaid postcard.

Mark J. Kertz

Mark J. Kertz
Registration No. 43,711
Attorney of Record
Customer No. 20,995
(949) 760-0404